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15
16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18
19 Arthur Kaye IRA FCC as Custodian
20 DTD 6-8-00 Individually and On
Behalf of All Others Similarly Situated,

21 Plaintiff,

22 v.

23 ImmunoCellular Therapeutics, Ltd., *et*
al.,

24 Defendants.
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Case No. 2:17-cv-03250-FMO-SK

CLASS ACTION

Assigned to Hon. Fernando M. Olguin

**NOTICE OF TENTATIVE
SETTLEMENT AND STIPULATION
TO EXTEND STAY WHILE
PARTIES PREPARE SETTLEMENT
DOCUMENTATION**

1 Pursuant to Local Rule 7-1, co-lead plaintiffs Arthur Kaye IRA FCC as Custodian
 2 DTD 6-8-00 and Hayden Leason (“Plaintiffs”) and defendants Immunocellular
 3 Therapeutics, Ltd. (“IMUC”), David Fractor, Manish Singh, Lavos, LLC, Lidingo
 4 Holdings, LLC, Kamilla Bjorlin, and Andrew Hodge (collectively, “Defendants”) (all
 5 together, the “Parties”), by and through their undersigned counsel, hereby agree and
 6 stipulate that good cause exists to request an order from the Court staying the case in its
 7 entirety;

8 WHEREAS, on May 29, 2018, the Court entered an order granting Defendants’
 9 Motion to Dismiss with leave to amend, instructing Plaintiffs to file a Consolidated
 10 Third Amended Complaint (“TAC”) by June 15, 2018; Defendants to file any motion
 11 to dismiss the TAC by July 12, 2018; and that the Parties meet and confer with respect
 12 to any motion to dismiss the TAC by June 29, 2018;

13 WHEREAS, following the Court’s MTD Order, the Parties commenced
 14 settlement negotiations to resolve this action;

15 WHEREAS, on June 13, 2018, the Parties submitted a joint stipulation requesting
 16 an extension of the deadline for Plaintiffs to file the TAC and subsequent briefing
 17 related thereto;

18 WHEREAS, on June 14, 2018, the Court so ordered the Parties’ June 13, 2018
 19 stipulation, extending the time for Plaintiffs to file their TAC until June 29, 2018 and
 20 setting a briefing schedule for any related motion to dismiss;

21 WHEREAS, on June 27, 2018, the Parties submitted another joint stipulation
 22 requesting an extension of the deadline for Plaintiffs to file the TAC and subsequent
 23 briefing related thereto;

24 WHEREAS, on June 29, 2018, Plaintiffs filed their TAC because the Court had
 25 not entered the Parties’ June 27, 2018 stipulation;

26 WHEREAS, on July 2, 2018, the Court so ordered the Parties’ June 27, 2018
 27 stipulation, extending all deadlines in the Court’s June 14, 2018 Order by a period of
 28 fourteen (14) days and staying the case for those fourteen (14) days;

1 WHEREAS, on July 17, 2018, the Parties reached an agreement in principle to
2 resolve their dispute pursuant to a class-wide settlement in the above-captioned action,
3 subject to the Parties' negotiation, execution, and submission to the Court of a formal
4 stipulation of settlement and preliminary and final approval by the Court;

5 WHEREAS, the parties expect to submit the tentative settlement to the Court for
6 preliminary approval within 30 days;

7 WHEREAS, the parties agree that this case should remain stayed while they
8 negotiate the terms of a written stipulation of settlement and related documentation;

9 WHEREAS, the parties agree that the requested stay would allow them to focus
10 on preparing the necessary settlement documentation while avoiding unnecessary
11 expense associated with further litigation;

12 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
13 among the respective Parties hereto, through their undersigned counsel of record,
14 subject to Court approval, as follows:

15 1. All proceedings in the above-captioned action shall remain stayed pending
16 finalization and submission of the settlement documents to the Court.

17 2. The parties shall work diligently to complete the necessary settlement
18 documentation and will promptly submit it to the Court for preliminary approval.

19 3. The stay of the above-captioned action may be lifted upon request of any
20 party or by stipulation of the parties, or as otherwise ordered by this Court.

21 **IT IS SO STIPULATED.**
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1 Dated: July 18, 2018

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5 /s/ Robert V. Prongay

Robert V. Prongay

Counsel for Lead Plaintiffs

8 Dated: July 18, 2018

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12 /s/ Angela L. Dunning

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15 Dated: July 18, 2018

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19 /s/ Edward Gartenberg

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1 Dated: July 18, 2018

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4 /s/ James L. Sanders

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*Counsel for Defendants Manish Singh and
Lavos, LLC*

FILER’S ATTESTATION REGARDING SIGNATURES

Pursuant to Local Rule 5–4.3.4(a)(2), I, Angela L. Dunning, attest that all signatories listed, on whose behalf this filing is being submitted, concur in the filing’s content and have authorized the filing.

Dated: July 18, 2018

/s/ Angela L. Dunning
Angela L. Dunning

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